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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,258	05/25/2001	Matthew D. Ornes	ZCOM.003US0	4295
25242	7590	12/29/2004	EXAMINER TON, ANTHONY T	
VICTOR H. OKUMOTO P.O. BOX 6120 FREMONT, CA 94538			ART UNIT	PAPER NUMBER

2661

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,258	ORNES ET AL.	
	Examiner	Art Unit	<i>AK</i>
	Anthony T Ton	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-63 is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-27, 34, 35 and 64 is/are rejected.
- 7) ☒ Claim(s) 12-19, 28-33 and 36-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PDA-906)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____


PHIRIN SAM
PRIMARY EXAMINER

AK

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-11, 20-27, 34, 35 and 64** are rejected under 35 U.S.C. 102(b) as being anticipated by *Gupta et al.* (US Patent No. **5,864,542**) hereinafter referred to as *Gupta*.

a) **In Regarding to Claim 1:** *Gupta* disclosed a method for scheduling static and dynamic traffic through a switch fabric including one or more switch slices (*see Fig.1; and col.5 lines 25-46: packet mode (dynamic traffic) and circuit mode (static traffic)*), comprising for individual such switch slices:

scheduling static traffic by reserving time slots for transmitting said static traffic to at least one destination through a switch slice (*see col.7 lines 47-60: TDM traffic*); and

scheduling dynamic traffic so as not to be transmitting said dynamic traffic to said at least one destination during said reserved time slots through said switch slice (*see col.7 lines 47-60: TDM cells are given the highest priority by default and can be immediately transmitted by bypassing all packet cells in the transmit queue*).

b) **In Regarding to Claim 2:** *Gupta* further disclosed said static traffic includes TDM traffic (*see col.7 lines 47-60: TDM traffic*).

c) **In Regarding to Claim 3:** *Gupta* further disclosed said dynamic traffic includes ATM traffic (*see col.2 lines 14-21: ATM*).

d) **In Regarding to Claim 4:** *Gupta* further disclosed said dynamic traffic includes IP traffic (*see col.2 lines 4-7: TCP/IP internetwork*).

e) **In Regarding to Claim 5:** *Gupta* further disclosed said scheduling static traffic includes receiving static traffic information, and storing said static traffic information in a memory of said switch slice (*see col.21 lines 17-42: TDM table in DRAM to store the incoming TDM cells*).

f) **In Regarding to Claim 6:** *Gupta* further disclosed said static traffic information is received at a system configuration time (*see col.29 lines 20-22: T1 line card on a system based on the Scalable Multimedia Network platform (hence the information about the line card is configured to handle the TDM traffic at the a system configuration time)*).

g) **In Regarding to Claim 7:** *Gupta* further disclosed said static traffic information is received at a run time (*see col.29 lines 24-35: an operation system such as NMA can invoke a managing process. (thus, the T1 line card should be reset, and therefore, a TDM traffic)*).

h) **In Regarding to Claim 8:** *Gupta* further disclosed said static traffic information includes source and destination information for said static traffic (*see col.16 lines 8-20: source/destination pairs*).

i) **In Regarding to Claim 9:** *Gupta* further disclosed said static traffic information includes channel information for said static traffic (*see Fig.2: Channel units 200, 220 and 260, the numbers 200, 220 and 260 of the channel units are channel information*).

j) **In Regarding to Claim 10:** *Gupta* further disclosed said scheduling dynamic traffic includes giving a scheduling preference to said static traffic over said dynamic traffic (*see col.7*

lines 47-60: TDM cells are given the highest priority by default and can be immediately transmitted by bypassing all packet cells in the transmit queue).

k) In Regarding to Claim 11: *Gupta further disclosed said scheduling preference is implemented by giving said static traffic a higher relative weight than said dynamic traffic (see col.7 lines 47-60: Higher priority packets are transmitted before lower priority packets).*

l) Regarding to Claims 20-23: *all claimed subject matters of these claims are the same as that of the claims 1-4, respectively. Therefore, the rejection to claims 1-4 would also apply to reject these claims in an apparatus as taught.*

m) In Regarding to Claim 24: *Gupta further disclosed said schedule of static traffic is stored in said memory at a system configuration time (see col.29 lines 20-22: T1 line card on a system based on the Scalable Multimedia Network platform (hence the information about the line card is configured to handle the TDM traffic at the a system configuration time)).*

n) In Regarding to Claim 25: *Gupta further disclosed said schedule of static traffic is stored in said memory at a run time (see col.29 lines 24-35: an operation system such as NMA can invoke a managing process. (thus, the T1 line card should be reset, and therefore, a TDM traffic)).*

o) In Regarding to Claim 26: *Gupta further disclosed said schedule of static traffic includes a plurality of entries individually indicating at least one destination for given time slot and source (see col.16 lines 8-20: source/destination pairs).*

p) In Regarding to Claim 27: *Gupta further disclosed each of said plurality of entries further indicates a channel (see Fig.2: Channel units 200, 220 and 260).*

q) In Regarding to Claim 34: *Gupta further disclosed said grant scheduler*

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comprises a grant scheduler configured to determine a set of destination winners including a destination winning dynamic traffic scheduling request for each available destination having at least one dynamic traffic scheduling requests for that available destination (*see col.12 line 25 – col.13 line 51: multicast (a set of destination winners); and col.19 line 66-col.20 line 7: the channel unit with the highest priority packet to send wins and a round robin cycle takes place (hence, at least one active dynamic traffic scheduling request for that available destination)*)).

r) **In Regarding to Claim 35:** *Gupta* further disclosed said grant scheduler is further configured such that said destination winning dynamic traffic scheduling request is determined by selecting a dynamic traffic scheduling request having a highest priority among the at least one dynamic traffic scheduling request for the same destination (*see col.12 line 25 – col.13 line 51: multicast (a set of destination winners); and col.19 line 66-col.20 line 7: the channel unit with the highest priority packet to send wins and a round robin cycle takes place (hence, at least one active dynamic traffic scheduling request for that available destination)*)).

s) **Regarding to Claim 64:** all claimed subject matters of this claim are the same as that of the claim 1. Therefore, the rejection to claim 1 would also apply to reject this claim in a SONET/SDH network element as taught.

Allowable Subject Matter

3. **Claims 41-60** are allowed.

4. **Claims 12-19, 28-33 and 36-40** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Examiner Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

by: *at*
Anthony T. Ton
Patent Examiner
December 22, 2004.


PHIRIN SAM
PRIMARY EXAMINER